

Conference Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2583

AN ACT

AMENDING SECTIONS 15-506, 15-1445, 15-1626 AND 41-852, ARIZONA REVISED
STATUTES; RELATING TO THE DISPLAY OF THE UNITED STATES FLAG.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-506, Arizona Revised Statutes, is amended to
3 read:

4 15-506. Flag, Constitution and the Bill of Rights display:
5 recitation of the pledge of allegiance

6 A. School ~~authorities~~ DISTRICTS AND CHARTER SCHOOLS shall:

7 1. Purchase ~~a~~ United States ~~flag~~, FLAGS THAT ARE MANUFACTURED IN THE
8 UNITED STATES AND THAT ARE AT LEAST TWO FEET BY THREE FEET ~~flagstaff and~~
9 ~~appurtenances~~, AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED STATES FLAG
10 AND FOR GRADES SEVEN THROUGH TWELVE, PURCHASE A LEGIBLE COPY OF THE
11 CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS THAT IS MANUFACTURED
12 IN THE UNITED STATES.

13 2. Display the ~~flag~~ FLAGS IN ACCORDANCE WITH TITLE 4 OF THE UNITED
14 STATES CODE IN EACH CLASSROOM AND upon or near the OUTSIDE OF THE school
15 building during school hours and at such other times as ~~they~~ THE SCHOOL
16 AUTHORITIES direct. FOR GRADES SEVEN THROUGH TWELVE, THE CONSTITUTION OF THE
17 UNITED STATES AND THE BILL OF RIGHTS SHALL BE PLACED ADJACENT TO EACH
18 CLASSROOM FLAG. ~~and~~

19 3. Set aside a specific time each day for those students who wish to
20 recite the pledge of allegiance to the United States flag.

21 B. PRIVATE SCHOOLS, PAROCHIAL SCHOOLS AND HOME SCHOOLS ARE EXEMPT FROM
22 THE PROVISIONS OF THIS SECTION.

23 Sec. 2. Section 15-1445, Arizona Revised Statutes, is amended to read:

24 15-1445. Administrative powers of district governing boards

25 A district board shall:

26 1. Adopt policies for the government of the community colleges under
27 its jurisdiction.

28 2. In conjunction with other district boards, set standards for the
29 establishment, development, administration, operation and accreditation of
30 community colleges in the district.

31 3. Fix tuitions and graduate the tuitions and fees between
32 institutions and between residents, nonresidents and students from foreign
33 countries. The district board may waive tuitions and fees and graduate
34 tuitions and waivers for an employee or the spouse or dependent child of an
35 employee of the district, or for a nonresident student enrolled in the
36 district if the district board determines the waiver is in the best interest
37 of this state and the student.

38 4. In conjunction with other district boards, submit to the economic
39 estimates commission before January 10 of each year the estimated number of
40 full-time equivalent students for the district as prescribed in section
41 15-1466.01.

42 5. Establish curriculums and designate courses that in its judgment
43 will best serve the interests of this state.

1 6. Determine academic classes that qualify as open entry, open exit
2 classes and prescribe policies for the operation of open entry, open exit
3 classes.

4 7. In conjunction with other district boards and the state board ~~for~~
5 ~~vocational and technological~~ OF education, review and adopt, within the scope
6 of the statutory definitions of vocational and technological education,
7 program and staff standards with modifications as necessary for courses
8 taught in community colleges. The district board shall base the standards on
9 vocational and technological competence.

10 8. In conjunction with other district boards, establish qualifications
11 of the instructional staff that, at a minimum, shall be equal to those
12 required to meet accreditation guidelines and establish standards of
13 vocational and technological competence required to instruct in occupational
14 as well as academic subjects.

15 9. In conjunction with other district boards, prescribe guidelines
16 providing for the transferability between community college district
17 vocational and technological education programs and in conjunction with the
18 state board ~~for vocational and technological~~ OF education prescribe
19 guidelines for the interrelationship of secondary programs and postsecondary
20 programs.

21 10. In conjunction with other district boards, prescribe the manner in
22 which the self-evaluation of vocational and technological education programs
23 is conducted as provided in section 15-1452.

24 11. If requested by the state board ~~for vocational and technological~~ OF
25 education, assist in the preparation, publication and distribution of an
26 annual state plan and a comprehensive five year state plan.

27 12. In conjunction with other district boards and the state board ~~for~~
28 ~~vocational and technological~~ OF education, develop a process to determine
29 program funding priorities for state aid purposes. Each district board shall
30 submit state aid recommendations to the legislature. The recommendations
31 shall be based on the process and on existing cost studies of vocational and
32 technological education in this state.

33 13. In conjunction with other district boards, prescribe qualifications
34 for admission to community colleges for honorably discharged veterans who
35 served on active duty in the armed forces for a minimum of one year and who
36 were previously enrolled at a community college or university in this state.
37 For the purpose of determining the qualifications, the district board may not
38 consider prior failing grades received by the veteran at a community college
39 or university in this state.

40 14. Require the publisher of each literary and nonliterary textbook
41 used in the community colleges of the district to furnish computer software
42 in a standardized format, when software becomes available for nonliterary
43 textbooks, to the district board from which braille versions of the textbook
44 may be produced.

1 15. Identify students simultaneously enrolled in a course for both high
2 school and college credit by using the same student level data element
3 required by section 15-1042, subsection A. The auditor general shall have
4 access to this information when certifying the full-time equivalent student
5 enrollment pursuant to section 15-1466.01, paragraph 4.

6 16. BEGINNING JULY 1, 2007, PURCHASE UNITED STATES FLAGS THAT ARE
7 MANUFACTURED IN THE UNITED STATES AND THAT ARE AT LEAST TWO FEET BY THREE
8 FEET AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED STATES FLAG AND
9 PURCHASE A LEGIBLE COPY OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL
10 OF RIGHTS THAT IS MANUFACTURED IN THE UNITED STATES, AND DISPLAY THE FLAGS IN
11 EACH CLASSROOM IN ACCORDANCE WITH TITLE 4 OF THE UNITED STATES CODE AND
12 DISPLAY A LEGIBLE COPY OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL
13 OF RIGHTS ADJACENT TO THE FLAG.

14 Sec. 3. Section 15-1626, Arizona Revised Statutes, is amended to read:
15 15-1626. General administrative powers of board

16 A. The board shall:

17 1. Have and exercise the powers necessary for the effective governance
18 and administration of the institutions under its control. To that end, the
19 board may adopt, and authorize each university to adopt, such regulations,
20 policies, rules or measures as are deemed necessary and may delegate in
21 writing to its committees, to its university presidents, or their designees,
22 or to other entities under its control, any part of its authority for the
23 administration and governance of such institutions, including those powers
24 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
25 3, 4, 7, 8, 10 and 11 of this subsection and subsection B of this section.
26 Any delegation of authority may be rescinded by the board at any time in
27 whole or in part.

28 2. Appoint and employ and determine the compensation of presidents
29 with such power and authority and for such purposes in connection with the
30 operation of the institutions as the board deems necessary.

31 3. Appoint and employ and determine the compensation of
32 vice-presidents, deans, professors, instructors, lecturers, fellows and such
33 other officers and employees with such power and authority and for such
34 purposes in connection with the operation of the institutions as the board
35 deems necessary, or delegate its authority pursuant to paragraph 1 of this
36 subsection.

37 4. Remove any officer or employee when the interests of education in
38 this state so require in accordance with its personnel rules and policies.

39 5. Fix tuitions and fees to be charged and differentiate the tuitions
40 and fees between institutions and between residents, nonresidents,
41 undergraduate students, graduate students, students from foreign countries
42 and students who have earned credit hours in excess of the credit hour
43 threshold, except students whose chosen program requires for a degree
44 additional credit hours above the credit hour threshold. For the purposes of
45 this paragraph, the credit hour threshold is one hundred fifty-five hours in

1 fiscal year 2006-2007, one hundred fifty hours in fiscal year 2007-2008 and
2 one hundred forty-five hours after fiscal year 2007-2008. The amount of
3 tuition, registration fees and other revenues included in the operating
4 budget for the university adopted by the board as prescribed in paragraph 12
5 of this subsection shall be deposited, pursuant to sections 35-146 and
6 35-147. All other tuition and fee revenue shall be retained by each
7 university for expenditure as approved by the board. Except as provided in
8 subsection H of this section, the Arizona board of regents shall adopt rules
9 to govern its tuition and fee setting process that provide for the following:

10 (a) At least one public hearing at each university as an opportunity
11 for students and members of the public to comment upon any proposed increase
12 in tuition or fees.

13 (b) Publication of the notice of public hearing at least ten days
14 prior to the hearing in a newspaper of general circulation in Maricopa
15 county, Coconino county and Pima county. The notice shall include the date,
16 time and location of the public hearing.

17 (c) Public disclosure by each university of any proposed increases in
18 tuition or fees at least ten days prior to the public hearing.

19 (d) Final board action on changes in tuition or fees shall be taken by
20 roll call vote.

21 The procedural requirements of subdivisions (a), (b), (c) and (d) apply only
22 to those changes in tuition or fees that require board approval.

23 6. Pursuant to section 35-115, submit a budget request for each
24 institution under its jurisdiction that includes the estimated tuition and
25 fee revenue available to support the programs of the institution as described
26 in the budget request. The estimated available tuition and fee revenue shall
27 be based on the tuition and registration fee rates in effect at the time the
28 budget request is submitted with adjustments for projected changes in
29 enrollment as provided by the board.

30 7. Establish curriculums and designate courses at the several
31 institutions which in its judgment will best serve the interests of this
32 state.

33 8. Award such degrees and diplomas upon the completion of such courses
34 and curriculum requirements as it deems appropriate.

35 9. Prescribe qualifications for admission of all students to the
36 universities. The board shall establish policies for guaranteed admission
37 that assure fair and equitable access to students in this state from public,
38 private, charter and home schools. For the purpose of determining the
39 qualifications of honorably discharged veterans, veterans are those persons
40 who served in the armed forces for a minimum of two years and who were
41 previously enrolled at a university or community college in this state. No
42 prior failing grades received by the veteran at the university or community
43 college in this state may be considered.

44 10. Adopt any energy conservation standards promulgated by the
45 department of administration for the construction of new buildings.

1 11. Employ for such time and purposes as the board requires attorneys
2 whose compensation shall be fixed and paid by the board. Litigation to which
3 the board is a party and for which self-insurance is not provided may be
4 compromised or settled at the direction of the board.

5 12. Adopt annually an operating budget for each university equal to the
6 sum of appropriated general fund monies and the amount of tuition,
7 registration fees and other revenues approved by the board and allocated to
8 each university operating budget.

9 13. In consultation with the state board of education and other
10 education groups, develop and implement a program to award honors
11 endorsements to be affixed to the high school diplomas of qualifying high
12 school pupils and to be included in the transcripts of pupils who are awarded
13 endorsements. The board shall develop application procedures and testing
14 criteria and adopt testing instruments and procedures to administer the
15 program. In order to receive an honors endorsement, a pupil must demonstrate
16 an extraordinary level of knowledge, skill and competency as measured by the
17 testing instruments adopted by the board in mathematics, English, science and
18 social studies. Additional subjects may be added at the determination of the
19 board. The program is voluntary for pupils.

20 14. Require the publisher of each literary and nonliterary textbook
21 used in the universities of this state to furnish computer software in a
22 standardized format when software becomes available for nonliterary
23 textbooks, to the Arizona board of regents from which braille versions of the
24 textbooks may be produced.

25 15. Require universities that provide a degree in education to require
26 courses that are necessary to obtain a provisional structured English
27 immersion endorsement as prescribed by the state board of education.

28 16. BEGINNING JULY 1, 2007, PURCHASE UNITED STATES FLAGS FOR EACH
29 CLASSROOM THAT ARE MANUFACTURED IN THE UNITED STATES AND THAT ARE AT LEAST
30 TWO FEET BY THREE FEET AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED
31 STATES FLAG AND PURCHASE A LEGIBLE COPY OF THE CONSTITUTION OF THE UNITED
32 STATES AND THE BILL OF RIGHTS, AND DISPLAY THE FLAGS IN EACH CLASSROOM IN
33 ACCORDANCE WITH TITLE 4 OF THE UNITED STATES CODE AND DISPLAY A LEGIBLE COPY
34 OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS ADJACENT TO
35 THE FLAG.

36 B. The board shall adopt personnel rules. All nonacademic employees
37 of the universities are subject to these rules except for university
38 presidents, university vice-presidents, university deans, legal counsel and
39 administrative officers. The personnel rules shall be similar to the
40 personnel rules under section 41-783. The rules shall include provisions for
41 listing available positions with the department of economic security,
42 competitive employment processes for applicants, probationary status for new
43 nonacademic employees, nonprobationary status on successful completion of
44 probation and due process protections of nonprobationary employees after

1 discharge. The board shall provide notice of proposed rule adoption and an
2 opportunity for public comment on all personnel rules proposed for adoption.

3 C. The Arizona board of regents may employ legal assistance in
4 procuring loans for the institutions from the United States government. Fees
5 or compensation paid for such legal assistance shall not be a claim upon the
6 general fund of this state but shall be paid from funds of the institutions.

7 D. The board shall approve or disapprove any contract or agreement
8 entered into by the university of Arizona hospital with the Arizona health
9 facilities authority.

10 E. The board may adopt policies which authorize the institutions under
11 its jurisdiction to enter into employment contracts with nontenured employees
12 for periods of more than one year but not more than five years. The policies
13 shall prescribe limitations on the authority of the institutions to enter
14 into employment contracts for periods of more than one year but not more than
15 five years, including the requirement that the board approve the contracts.

16 F. The board may adopt a plan or plans for employee benefits which
17 allow for participation in a cafeteria plan that meets the requirements of
18 the United States internal revenue code of 1986.

19 G. The board may establish a program for the exchange of students
20 between the universities under the jurisdiction of the board and colleges and
21 universities located in the state of Sonora, Mexico. Notwithstanding
22 subsection A, paragraph 5 of this section, the program may provide for
23 in-state tuition at the universities under the jurisdiction of the board for
24 fifty Sonoran students in exchange for similar tuition provisions for up to
25 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
26 universities. The board may direct the universities to work in conjunction
27 with the Arizona-Mexico commission to coordinate recruitment and admissions
28 activities.

29 H. Subsection A, paragraph 5, subdivisions (a), (b), (c) and (d) of
30 this section do not apply to fee increases that are set by individual
31 universities and that do not require approval by the Arizona board of regents
32 before the fee increase becomes effective.

33 Sec. 4. Section 41-852, Arizona Revised Statutes, is amended to read:

34 41-852. Display of state flag; death of incumbent elective
35 state officer; display of flag of the United States,
36 Constitution, the Bill of Rights

37 A. The state flag shall be displayed alongside the flag of the United
38 States on or in front of the state capitol building, and institutional and
39 educational buildings of the state as the governor directs, on or in front of
40 the courthouse of each county, and other institutional buildings of each
41 county as the board of supervisors directs, and on or in front of the city or
42 town hall of each incorporated city or town, and other municipally owned
43 buildings as the governing body of the municipality directs.

1 B. On the death of an incumbent elective state officer, each state
2 flag displayed pursuant to subsection A shall be flown at half-staff for a
3 period of seven days beginning on the day following the death of the officer.

4 C. THE FLAG OF THE UNITED STATES SHALL BE DISPLAYED IN EACH HEARING
5 ROOM IN THE STATE HOUSE OF REPRESENTATIVES AND STATE SENATE IN ACCORDANCE
6 WITH TITLE 4 OF THE UNITED STATES CODE AND A LEGIBLE COPY OF THE CONSTITUTION
7 OF THE UNITED STATES AND THE BILL OF RIGHTS SHALL BE DISPLAYED ADJACENT TO
8 THE FLAG.

9 Sec. 5. Flag acquisition through donations and fund-raising

10 School districts, charter schools, community college districts and the
11 Arizona board of regents shall attempt to acquire the flags required by this
12 act through donations and fund-raising activities beginning July 1, 2006
13 through June 30, 2007 before allocating monies from other sources to acquire
14 the flags required by this act.

15 Sec. 6. Arizona's flags and constitutions for freedom program

16 Beginning July 1, 2006 through June 30, 2007, Arizona businesses may
17 participate in the Arizona's flags and constitutions for freedom program by
18 donating at least one United States flag that is manufactured in the United
19 States and is at least two feet by three feet, or by donating a legible copy
20 of the Constitution of the United States and the Bill of Rights that is
21 manufactured in the United States, or by donating both to a school district,
22 charter school, community college district or university under the
23 jurisdiction of the Arizona board of regents.

24 Sec. 7. Existing flags; display requirements

25 A United States flag that is at least two feet by three feet and is
26 present in a classroom at a school district, charter school, community
27 college or public university displayed in accordance with title 4 of the
28 United States Code as of June 30, 2006, may be used to meet the requirements
29 of this act.

30 Sec. 8. Intent

31 It is the intent of the Legislature that school districts, charter
32 schools, community college districts and universities under the Arizona board
33 of regents attempt to acquire United States flags and constitutions through
34 the Arizona flags and constitutions for freedom program and section 5 of this
35 act and that these flags and constitutions are appropriately displayed in the
36 classroom by July 4, 2007 to recognize Independence Day.

37 Sec. 9. Retroactivity

38 Section 5 of this act, relating to flag and constitutions acquisition
39 through donations and fund-raising, is effective retroactively to from and
40 after June 30, 2006.

41 Sec. 10. Effective date

42 Section 15-506, Arizona Revised Statutes, as amended by this act, is
43 effective from and after June 30, 2007.